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Identifier: Christoph SCHWEMMLEIN, et al.

REMARKS

Claims 1-8 are pending and the Examiner has rejected claims 1-4, 6 and 7 under 35 U.S.C. § 102(b) as being anticipated by Horn (UKPN 406,931). Claims 5 and 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Horn.

Applicant traverses the rejection as follows:

In reviewing Horn, it is a disadvantage of this device that it is assumed that the brake drum rotates only in one direction so that the yarn is always pulled off in one direction. This means that when the brake drum is mounted, it is necessary to pay attention to the direction in which the yarn is pulled from the yarn package, that is, the direction in which the brake drum rotates. The background for this is as follows. If the drum is to be braked rotatably in any direction and, at the same time, the braking action is to be the same in any direction of rotation, it is necessary that the surface pressure of the brake shoe on the brake drum is the same over the surface of the brake drum. This is not the case, however, if, as recited in amended Claim 1 and new Claim 9, the fulcrum of the brake lever 10 is disposed on a tangent 12, the position of the tangent 12 being determined by the intersection of the center point line 13 of the brake drum 11 with the center line of the brake shoe 14.

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A drawing relating to Horn is attached as Appendix I. It shows the tangent T which passes through the fulcrum of the brake lever. It can be seen that this tangent passes along the edge region of the brake shoe of the brake lever. This tangent T would have to intersect the brake drum in the line M of dots and dashes in order to ensure that the brake drum always experiences the same braking force due to the brake shoe, no matter what the direction of rotation. The different braking effect can be understood as follows.

If the brake drum is rotated in the direction of arrow 1 in Figure 2 of Horn, the braking effect is not the same as when the drum is rotated in the opposite direction. In the case of the invention, the braking effect is the same regardless of the direction of rotation. In other words, it does not matter whether the inventive brake drum is rotating clockwise or counterclockwise.

Thus, as indicated, the invention as recited in the claims differs from Horn by reciting that the fulcrum of the brake lever lies on a tangent, the position of the tension being determined by the intersection of the center point line of the brake drum with the centerline of the brake shoe. As such recitations are not taught by Horn, Horn fails to anticipate or render unpatentable the claimed invention. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051 (Fed. Cir. 1987) ("a claim is anticipated only if each and every element as set forth in the claim" is found in the cited prior art

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reference). *In re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (CCPA 1974) (a prima face case of obviousness is established only where the combination of cited references teaches or suggests each limitation in the claim).

The USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

In light of the foregoing, the application is now believed to be in proper form for allowance of all claims and notice to that effect is earnestly solicited.

Respectfully submitted,
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